IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.32616 of 1998

Between:

Hari Kishan S/o Chandraiah
H.No.2-3-645/4/A/100, Premnagar,
Hyderabad

..... PETITIONER

AND

1 Labour Court-I,
Hyderabad
2 The Management of Biological E. Ltd. Rep.

by General Manager, (Personnel)
Azamabad, Hyderabad-20

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of Writ of Certiorari after calling for the records pertaining to award made in I.D.No.54/94 dt: 2-9-1998 on the file of the 1st respondent quash the same as illegal arbitrary and without jurisdiction and consequently modify the award into one of reinstatement with continuity of service back wages and other attendent benefits and grant such other relief or reliefs as this Court deems fit and proper in the circumstances of the case.

ORAL ORDER:

This Writ Petition is filed by the workman being aggrieved by the Award dated 2-9-1998 passed in I.D.No.54 of 1994 on the file of Labour Court-I, Hyderabad.

There is no necessity of going into all the details. It is suffice to notice that the petitioner-workman was removed from service as a result of disciplinary proceedings initiated against him. He raised a dispute under Section 2-A(2) of the Industrial Disputes Act,1947 and the same was taken on file as I.D.No.54 of 1994 on the file of Labour Court-I, Hyderabad. The Labour Court, after considering the documentary evidence placed before it, came to the conclusion that almost all the superior Officers have spoken against the petitioner as to his insubordination and instigating some other employees. Therefore, the order of reinstatement will not serve any purpose. Since the management made a request in the counter affidavit that even if the Court comes to the conclusion that the punishment imposed is disproportionate, some compensation may be awarded to the workman. In view of that and in view of the overall circumstances of the case, the petition was dismissed; however the management was directed to pay six months salary as compensation to the petitioner-workman basing upon his last drawn salary. Aggrieved by this, the present Writ Petition is filed by the workman.

During the course of hearing of this Writ Petition, this Court felt that instead of going into the merits, it may be necessary, in the facts and circumstances of the case, to direct the respondent-management to consider for payment of some more compensation instead of the compensation of six months salary only. Learned counsel for the respondent-management, on instructions, submitted that the management is willing to pay an amount equivalent to 13 months last drawn salary including dearness allowance etc., to the petitioner.

In view of the above, the Writ Petition is disposed of directing the respondent-management to pay an amount equivalent to 13 months salary taking the last drawn wages and other allowances into consideration as compensation, within a period of two months from the date of receipt of a copy of this order. If the respondent-

management fails to comply with this order within the above stipulated time, the petitioner is also entitled for interest at 12% per annum thereafter as directed by the Labour Court. No order as to costs.

11-8-2005

prk